

## **MITIGATED NEGATIVE DECLARATION**

February 14, 2008

Project Name: Channel Road

Project Number(s): TM 5463RPL<sup>1</sup>, R07-008, S05-068, Log No. 05-14-041

**This Document is Considered Draft Until it is Adopted by the Appropriate  
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
  - b. Environmental Analysis Form and attached extended studies for Air Quality, Noise, Stormwater Management and Drainage.
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that

there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.
2. Participate in the cost of a traffic signal installation at the intersection of Channel Road and Industry Road. The amount of the developer's portion of the entire cost of the signal shall be \$320. The Planning Commission/Planning Commission/Board of Supervisors hereby determines that:
  - a. The fee is/are to assist in financing the construction of a traffic signal to mitigate the impact of this project on traffic safety;
  - b. The fee will be used to contribute toward the installation of a traffic signal at the intersection of Channel Road and Industry Road;
  - c. The traffic signal will help mitigate the additional traffic impact on this these intersection caused by the residential subdivision;
  - d. This residential subdivision will contribute additional traffic to the intersection of Channel Road and Industry Road; and
  - e. The fee of \$320 is based on an estimate of the percentage of traffic this project will contribute to this these intersection.

B. AIR QUALITY

1. Prior to approval of any plans, issuance of any permit and approval of any Final Map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans:
  - a. "Earthwork (grading) should be contained within an area of approximately 5-acres per day."
  - b. "Dust control measures of the Grading Ordinance will be enhanced with a minimum of three (3) daily applications of water to the construction area and between dozer/scrapper passes."
  - c. "Grading is to be terminated in winds exceeding 25 mph."
  - d. "Sweepers and water trucks shall be used to control dust and debris at public street access points."
  - e. "Dirt storage piles will be stabilized by chemical binders, tarps, fencing or other suppression measures."
  - f. "Internal construction-roadways will be stabilized by paving, chip sealing or chemicals after rough grading."

C. BIOLOGY

1. Prior to approval of any plans, issuance of any permit and approval of any Final Map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans:
  - a. "Restrict all brushing, clearing and/or grading such that no tree removal will be allowed during the breeding season of migratory birds and raptors. This is defined as occurring between February 1 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no

nesting migratory birds and/or raptors are present in the trees to be removed."

D. NOISE

1. On the Final Map, grant to the County of San Diego a Noise Protection Easement over the entire lot. This easement is for the mitigation of present and anticipated future excess noise levels on noise sensitive areas of residential uses. The easement shall include the following requirement:

"Said Noise Protection Easement requires that before the issuance of any building or grading permit for any residential use within the noise protection easement located over the lot, the applicant shall:"

  - a. "Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County approved acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dBA CNEL)]. Future traffic noise level estimates for SR-67 and Channel Road, must utilize a Level of Service "C" traffic flow for a Highway and Major Road classification which is the designated General Plan Circulation Element buildout roadway classification."
  - b. "Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans."
2. Provide evidence to the satisfaction of the Director of Planning and Land Use that the following noise mitigation requirements have been implemented on the Building Plans for all residential Buildings in the development. This shall include the following:
  - a. Illustrate and label the recommended noise barriers for the noise-affected balconies. Place a note on the finalized building plans that balcony noise barriers shall be of solid

construction with no gaps, 8 feet in height and a weight of 3.5 pounds per square foot. Balcony noise barrier design consists of the following materials:

- (1) Portion of the barrier must be constructed with openable, transparent materials;
    - (2) Design of the barrier includes a 42 inch high, non transparent balcony wall constructed from materials including materials such as stucco veneer over wood framing, glass (1/4 inch thick), or other transparent material with sufficient weight per square foot and any combination of the construction materials mentioned.
  - b. For sound barrier location and details, refer to Section 7.4: Noise Control Barrier Construction Materials, Section 7.5: Noise Control Barrier Design, Exhibit 1-A and Exhibit 7-D in the noise report prepared by Urban Crossroads received on September 26, 2007.
3. Provide evidence to the satisfaction of the Director of Planning and Land Use that the following noise mitigation requirements have been implemented on the Building Plans for all residential Buildings in the development. This shall include the following:
- a. Illustrate and label the recommended noise barriers for the noise affected tot lot area and group useable open space. Place a note on the finalized building plans that noise barriers shall be of solid construction with no gaps, 8 feet in height and a weight of 3.5 pounds per square foot. Noise barrier design and location consists of the following:
  - b. An eight (8) foot high noise barrier wall will be located along the edge of the tot lot area. The noise barrier will be in an L-shaped form wrapping the area on two sides, along the tot lot's northern and eastern edges. The noise barrier details shall be shown on the grading plan as indicated in Section 7.3 and in Exhibit 1-A of the approved noise report prepared by Urban Crossroads received on September 26, 2007.

- c. Noise barrier shall be constructed with any combination of the following materials: Masonry block, stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square foot, glass (1/4-inch thick), or other transparent material with sufficient weight per square foot and earthen berm.
- d. For sound barrier location and details, refer to Section 7.4: Noise Control Barrier Construction Materials and Exhibit 1-A: Summary of Recommendations in the noise report prepared by Urban Crossroads received on September 26, 2007.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. AESTHETICS

The final design of the project shall substantially conform to the Plot Plan approved with this permit, which includes the following design elements:

- 1. The project buildings and layout have been designed to minimize grading and the need for visible retaining walls.
- 2. The proposed parking lot has been designed to take advantage of the existing topography so to minimize grading and retaining walls on the property.
- 3. Where possible the project has been designed to leave the natural slope of the site intact.
- 4. The project will not install outdoor lighting that directly illuminates neighboring properties.

5. The project will conform to the Light Pollution Code (Section 59.101-59.115), including the low pressure sodium lamp type and shielding requirements per fixture and hours of operation limitations for outdoor lighting and searchlights.
6. Prior to approval of building permits the project will require approval of a landscape plan that will include the following requirements:
  - a. The landscape plan shall substantially conform to the conceptual landscape plan included as part of the Plot Plan approved with this permit.
  - b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
  - c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure and non-pressure water lines, valves, and sprinkler heads in those areas requiring permanent irrigation system. For areas of native or naturalizing plant material, the Landscape Plan shall show a method of irrigation adequate to assure establishment and growth of plants through two growing seasons.
  - d. Spot elevations of the hardscape, building, and proposed fine grading of the installed landscape.
  - e. The location and detail of all walls, fences, and walkways shall be shown on the plans. A lighting plan and light standard details shall be included in the plans.
  - f. Perimeter landscaping and landscaping adjacent to structures shall be selected and spaced per the the County's public information pamphlet entitled "Fire, Defensible Space and You". The pamphlet can be accessed from the County's web page at:  
[www.sdcounty.ca.gov/dplu/Resource/3~procguid/3~procguid.html#fire](http://www.sdcounty.ca.gov/dplu/Resource/3~procguid/3~procguid.html#fire).

- g. All slopes 3 feet in vertical height and above shall be planted and irrigated per Section 87.417 and 87.418 of the County Grading Ordinance.
  - h. If landscape lighting is proposed, provide a lighting plan that demonstrates compliance with the County's Light Pollution Control Ordinance.
- 7. The proposed project has been designed in accordance with the Lakeside Community Design Guidelines and Design Review Guidelines to include architectural design features of the surrounding rural community in terms of natural building material and colors, lighting features and landscaping elements.

**B. HAZARDS**

- 1. Prior to issuance of building permits the applicant shall demonstrate that the following elements are included in the design of the project:
  - a. All gates or other structures or devices which could obstruct Fire Apparatus Access Roads or otherwise hinder emergency operations are prohibited unless they meet standards approved by the district, and receive specific plan approval.
  - b. All roads shall be provided with an approved driving surface prior to bringing any combustible building products on-site.
  - c. One fire hydrant, with the minimum required fire flow of 2,500 gallons per minute at 20 p.s.i., shall be installed in accordance with the appropriate water district, Lakeside Fire Protection District and San Diego County Standards. The type, specific location and spacing of the fire hydrant will be determined by the Fire District. Blue reflective pavement markers shall be installed in the street to indicate the location of the hydrants.
  - d. The developer shall provide a letter from the appropriate water district stating that the required fire flow in gallons per minute is available to the site.



- e. Water supply system and hydrants shall be installed and tested prior to bringing any combustible building product on-site.
- f. Design of the water supply shall be submitted to the Lakeside Fire Protection District and the appropriate water district for approval prior to the issuance of a building permit for any parcel created by this subdivision. The developer shall provide a letter from the appropriate water district approving the water supply design.
- g. Automatic fire sprinkler systems are required for interior protection of all living units and the first floor parking garage in accordance with the specifications of the National Fire Protection Association Pamphlet #13, to the satisfaction of the Lakeside Fire Protection District.
- h. Numbers and addresses shall be placed on all new or existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property to the satisfaction of the Lakeside Fire Protection District. Said numbers shall contrast with their background and shall meet the minimum standard of 6" high and ½" stroke for commercial buildings.
- i. Dwelling units used for sleeping purposes shall be provided with permanent hard-wired smoke detectors with battery back-up power. Smoke detectors shall be installed in each sleeping room and at a point centrally located in the hallway or area giving access to each separate sleeping area. Detectors shall sound an alarm audible in all sleeping areas of the dwelling unit in which they are located.
- j. Walls and floors separating dwelling units in the same building shall not be less than one hour fire resistive construction. Buildings having more than 3000 square feet above the first floor shall be not less than one hour fire resistive construction throughout, including dwelling separation walls in the attic, extending to the bottom of the roof deck.

- k. The ceiling and floors separating dwelling units from the first floor garage parking area shall not be less than three hour fire resistive construction.
- l. Within the project, 100 feet of fire clearing of natural vegetative fuels shall be required around all structures. The fuel modification zone and defensible space created by the clearing of natural vegetative fuels around and on the proposed project site shall be maintained in perpetuity.
- m. The proposed project site is in a designated Very High Severity Zone. All structures and buildings erected on the proposed project site shall conform to San Diego Enhanced Fire Resistive Building Construction Standards.
- n. Landscaping for the proposed project site shall conform to the San Diego County Acceptable Plant for Defensible Space in Fire Prone Areas list.
- o. The developer shall keep a current and up-to-date Project Facility Availability Form on file with the District, with all fees paid in full.

C. HYDROLOGY AND WATER QUALITY

- 1. Prior to obtaining any building permit pursuant to the Site Plan, the applicant shall:
  - a. Demonstrate compliance with all applicable storm water regulations. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Storm water Management, and Discharge Control Ordinance (Ordinance No. 9424, Ordinance No. 9426, Ordinance No. 9518, and Ordinance No. 9589) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information on-site concerning storm water runoff. This

requirement shall be to the satisfaction of the Director of Public Works.

- b. It is determined that the project includes category 2 post-construction BMPs, the applicant will be required to establish a maintenance agreement/mechanism (to include easements) to assure maintenance of these BMPs and to provide security to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.

2. The following conditions shall apply during the term of the Site Plan:

- a. Comply with all applicable storm water regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Storm water Management, and Discharge Control Ordinance (Ordinance No. 9424, Ordinance No. 9426, Ordinance No. 9518, and Ordinance No. 9589) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information on-site concerning storm water runoff. This requirement shall be to the satisfaction of the Director of Public Works.
- b. It is determined that the project includes category 2 post-construction BMPs, the applicant will be required to establish a maintenance agreement/mechanism (to include easements) to assure maintenance of these BMPs and to provide security to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.

D. LAND USE AND PLANNING

1. The following design elements relate to the project's consistency with the Lakeside Community Design Guidelines and Design Review Guidelines:
  - a. A 20-foot minimum planted front yard, fully landscaped interrupted only by driveways, sidewalks or pedestrian areas.
  - b. Dwellings are organized to front the street and utilize porches and entry patios.
  - c. Providing 1,632 square feet of group useable open space located at the southern end of the property.
  - d. Providing 400 square feet of children's play area located at the southeastern corner of the property.
  - e. Providing 400 square feet of private open space.
  - f. Placement of parking at the rear of the proposed 3-story residential building.
  - g. Parking areas are screened from public streets and adjacent properties by fences, walls and architectural design.

E. TRANSPORTATION/TRAFFIC

1. Prior to recordation of a Final Map, the following public improvements must be completed:
  - a. Improve or agree to improve and provide security for the project side of Channel Road (SC 1910) along the project frontage in accordance with Public Road Standards for a Collector Road, to a graded width of forty-two feet (42') from centerline. The existing pavement width shall remain and all distressed sections shall be replaced. Portland cement concrete driveway shall be constructed to Public Road standards Section 6.7 at the ultimate half width of Channel Road for the connection to public road with taper transition from driveway ramp (northerly) to match existing pavement

on Channel Road and interim improvements from driveway ramp (southerly)/new pavement return from the southeast corner of the property to match existing pavement per County Public Road Standards. Face of driveway will be thirty-two feet (32') from centerline. The above shall be to the satisfaction of the Director of Public Works.

- b. Improve or agree to improve and provide security for the private easement road offsite starting from Channel Road westerly along the project southerly boundary. Provide a new driveway entrance with new pavement return on the north side of the driveway where it may be reduced to seventeen feet (17') in width due to the subdivision improvements. The road shall transition from seventeen feet (17') to the existing width to match existing pavement westerly and all distressed sections shall be replaced. The above shall be to the satisfaction of the Director of Public Works.
- c. A registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that:  
  
"Physically, there is a minimum unobstructed sight distance in both directions from project access driveway along Channel Road, for the prevailing operating speed of traffic on Channel Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)". The vegetation and embankment currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- d. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be to the satisfaction to the Director of Public Works.

- e. Dedicate or caused to be granted the project half of Channel Road along the project frontage in accordance with Public Road Standards for a Collector Road half-street width of forty-two feet (42'), together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.
  - f. Contact Route Locations of the Department of Public Works to determine the desired location of the centerline for Channel Road (SC 1910), which is shown on the Circulation Element of the County General Plan as a Collector Road. The following shall be shown on the Final Map:
    - (1) The centerline location as approved by the Department of Public Works.
    - (2) The centerline location as approved by CALTRANS. Contact CALTRANS (688-6976) for this location, and supply verification of approved alignment.
  - g. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
  - h. Relinquish access rights into Channel Road except for the proposed access driveway.
2. The project proposes 17 parking spaces, 1 ADA compliant space and 2 guest parking spaces, with one guest parking space provided within the public street.

Negative Declaration,  
TM 5463RPL<sup>1</sup>, R07-008, S05-068,  
Log No. 05-14-041

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February 14, 2008

**ADOPTION STATEMENT:** This Mitigated Negative Declaration was adopted and  
above California Environmental Quality Act findings made by the:

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on \_\_\_\_\_

RICHARD GRUNOW, Planning Manager  
Regulatory Planning Division

RG:MS:jcr

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